

50087

**VOLUNTARY AGREEMENT CONCERNING ISSUANCE OF LINCENSE
FOR SALE OF ALCOHOLIC BEVERAGES**

[Signature]
THIS AGREEMENT made and entered into the 1st day of September 2000, by and between Kaffe De Café, Trading Kaffe De Café (hereinafter the "Applicant"), and Citizens ("Protestants"), witnesses:

Whereas Applicant has filed an application with the District of Columbia Alcoholic Beverage Control Board (hereinafter the "Board") for the initial issuance of a class "CR" License for the premises known as Kaffe De Café located at 2175 K Street, N.W., Washington, DC.,

Whereas Protestants have filed before the Board protests opposing the granting of the application,

Whereas in recognition of the Board's policy of encouraging parties to a protested proceeding to settle their differences by reaching voluntary agreements, the Parties hereto desire to enter into a voluntary agreement whereby (1) Applicant will agree to adopt certain measures to address the Protestants' concerns and to include this agreement as a formal condition of its application, and (2) Protestants will agree to the issuance of the renewal of the license and withdrawal of the Protest, *provided* that such agreement is incorporated into the Board's order renewing the license, which order is thereby conditioned upon compliance with such agreement.

Whereas Applicant has recently taken or intends to take certain measures designed to ameliorate Protestants' concerns,

Now therefore, in consideration of the mutual covenants and undertakings memorialized herein, the Parties hereby agree as follows:

1. Hours The hours of operation shall be:

Monday-Saturday

Inside: 7:00 am - 10:00pm
Sidewalk: 10:00am - 8:30pm

2. Noise/Music/Dancing Applicant acknowledges familiarity with and will comply with noise-control provisions of District of Columbia law and regulations, including preventing emissions of sound, capable of being heard outside the premises, by and musical instrument or amplification device or other device or source of sound or noise, in accordance with DCMR 905. The doors and windows of the premises will be kept closed at all times during business hours when music is being played or a sound amplification device is being employed in the premises, except when persons are in the act of using the door for ingress to or egress from the premises.

service, regularly remove trash from the trash and dumpster area, and see that the trash and dumpster area remain clean. Applicant shall deposit trash and garbage only in rodent proof dumpsters, and shall see that the dumpster covers fit properly and remain fully closed except when trash or garbage is being added or removed. Applicant will make every reasonable effort to eliminate food sources for rodents and eliminate the rat population.

4. Exterior including public space. (a) Applicant shall assist in the maintenance of the alleyway and the space in front of the establishment to at least 18 inches outward from the curb as needed to keep them free of trash and to remove snow and ice from the sidewalk and comply with all applicable D.C. laws and regulations in these respects. Applicant shall make every reasonable effort to prevent or disperse loitering or any other source of noise or disturbance in the areas in front or to the rear of the premises during business hours and at closing, and to cause patrons to leave those areas at closing.

(b) Applicant will provide for the proper removal of grease and fatty oils from the establishment and will not deposit grease or fatty oils in the dumpster.

5. Items specific to establishment.

(Note: Be specific: locations, hours, soundproofing, etc.)

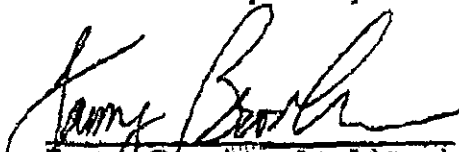
6. Bar/Pub Crawls. Applicant agrees not to promote or participate in bar or pub "crawls".

7. Consideration. Applicant will encourage employees and patrons to be considerate of neighboring residents at all times. Applicant will encourage employees leaving the establishment to keep conversations and noise down after 8:30p.m.

8. Modification. This agreement can be modified only by mutual agreement of all the parties.

9. Regulations. In addition to the forgoing, Applicant will operate in compliance with all applicable laws and regulations.

10. Withdrawal of protests. Protestants agree to the issuance of the renewal of the license and withdrawal of their Protest, provided that the present Voluntary Agreement is incorporated into the Board's order issuing the license, which order is thereby conditioned upon compliance with such Voluntary Agreement.


Tamy Brooks, Applicant


Sara G. Shuman, Protestant

BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter of:

Kaffee De Café, Ltd.
T/a Kaffee De Café

Application for a Retailer's
Class CR - new
at premises

2175 K Street, NW
Washington, DC 20037

Case No. 50087-00109P

**John Shuman, Sara Shuman, Carl L. Vacketta, Albertine Vibert, and O.C. Candar,
Protestants**

Tammy Brooks, Owner, Applicant

**BEFORE: RODERIC L. WOODSON, ESQUIRE, CHAIR
VERA ABBOTT, MEMBER
CHARLES BURGER, MEMBER
LAURIE COLLINS, MEMBER
JUDY MOY, MEMBER
ELLEN OPPER-WEINER, ESQUIRE, MEMBER
AUDREY THOMPSON, MEMBER**

ORDER ON WITHDRAWN PROTEST AND VOLUNTARY AGREEMENT

This matter, having been protested, was scheduled for a roll call hearing on August 30, 2000, in accordance with D.C. Code Section 25-115(c)(5) (1999 Supp.), providing for the protestants to be heard. The Board received a timely protest letter from each protestant on July 26, 2000.

The official records of the Board reflect that the parties have reached an agreement that has been reduced to writing, and has been properly executed and filed with the Board. Pursuant to the agreement, dated September 26, 2000, the protestants have agreed to withdraw the opposition, provided, however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the agreement.

Accordingly, it is this 2nd day of May 2001, **ORDERED** that:


1. The opposition of John Shuman, Sara Shuman, Carl L. Vacketta, Albertine Vibert, and O.C. Candar, be, and the same hereby is **WITHDRAWN**;
2. The application of Kaffee De Café, Ltd., t/a Kaffee De Cafe, for a retailer's class CR license (new) at premises 2175 K Street, NW, Washington, DC, 20037, be, and the same hereby, is **GRANTED**; and
3. The above-referenced agreement between the parties, be, and the same hereby is **INCORPORATED** and part of this **ORDER**; and;
4. Copies of this Order shall be sent to the Protestant and the Applicant.

DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL
BOARD

Roderic L. Woodson, Esquire, Chair



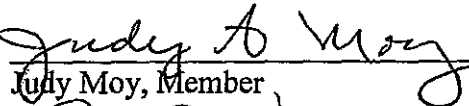
Vera Abbott, Member



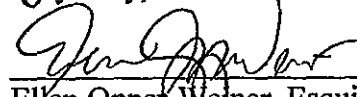
Charles Burger, Member



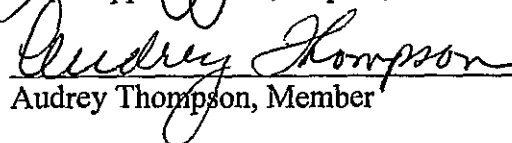
Laurie Collins, Member



Judy Moy, Member



Ellen Oppenheimer, Esquire, Member



Audrey Thompson, Member